

### **301 KAR 2:082. Transportation and holding of live exotic wildlife.**

RELATES TO: KRS 150.010, 150.015, 150.305, 150.320, 150.990

STATUTORY AUTHORITY: KRS 65.877, 150.025(1), 150.180(6), 150.280

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the department and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.180(6) authorizes the department to regulate the importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. This administrative regulation establishes the procedures for obtaining a transportation permit for exotic wildlife, prohibits the importation and possession of exotic species with the potential to damage native ecosystems, and places restrictions on importing, transporting, and holding species that are potentially dangerous to human health and safety.

Section 1. Definition. "Exotic wildlife" means wildlife species which have never naturally existed in the wild in Kentucky including introduced species that have become naturalized.

Section 2. Permits and Certificates of Veterinary Inspection. (1) Pursuant to 301 KAR 2:081, a person shall apply for and obtain a valid transportation permit or permit authorization number from the department, unless otherwise exempted by this or another administrative regulation, prior to:

- (a) Receiving a shipment of wildlife;
- (b) Importing exotic wildlife into Kentucky; or
- (c) Transporting exotic wildlife into and through the state to a destination outside Kentucky.

(2) A copy of a valid transportation permit or permit authorization number shall accompany all shipments of wildlife into and through Kentucky.

(3) An individual transportation permit shall be valid for one (1) shipment of wildlife.

(4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue.

(5) Any shipment of wildlife, except for amphibians and reptiles, shall be accompanied by a:

- (a) Certificate of veterinary inspection stating that the wildlife is free from symptoms of disease; or
- (b) A federal quarantine certificate.

Section 3. Applying for Permits. (1) A person shall apply for a transportation permit, in accordance with 301 KAR 2:081.

(2) The department shall deny a permit to an applicant that:

- (a) Is less than eighteen (18) years of age;
- (b) Has been convicted within the last year of a violation of:

- 1. This administrative regulation; or
- 2. 301 KAR 2:081;

(c) Does not submit a completed application; or

(d) Does not remit the correct fee pursuant to 301 KAR 3:022.

(3) Failure to provide accurate, factual, and complete information on the application form shall result in:

- (a) Immediate withdrawal or revocation of the permit; and
- (b) Confiscation of the wildlife imported under the permit.

(4) An annual transportation permit holder shall notify the department of any amendments to the original application at least forty-eight (48) hours prior to any wildlife shipment by calling the department by telephone at 800-858-1549, Monday through Friday, between 8 a.m. and 4:30 p.m., Eastern time.

(5) A person importing or possessing exotic wildlife shall be responsible for following local ordinances and rules regarding captive wildlife.

Section 4. Prohibited Species. (1) Except as specified in Section 5 of this administrative regulation, a person shall not import, possess, or transport through Kentucky the following species that are considered potentially injurious to native ecosystems:

- (a) Baya weaver (*Ploceus philippinus*);
  - (b) Blackbirds (Genus *Agelaius*), except native species;
  - (c) Cape sparrow (*Passer melanurus*);
  - (d) Cowbirds (Genus *Molothrus*), except native species;
  - (e) Cuckoo (Family *Cuculidae*), except native species;
  - (f) Dioch or red-billed quelea (*Quelea quelea*);
  - (g) European blackbird (*Turdus merula*);
  - (h) Fieldfare (*Turdus pilaris*);
  - (i) Flying fox or fruit bat (Genus *Pteropus*);
  - (j) Gambian giant pouched rat (*Cricetomys gambianus*);
  - (k) Giant, marine, or cane toad (*Bufo marinus*);
  - (l) Hawaiian rice bird or spotted munia (*Lonchura punctulata*);
  - (m) Jack rabbit (Genus *Lepus*);
  - (n) Java sparrow (*Padda oryzivora*);
  - (o) Madagascar weaver (*Foudia madagascariensis*);
  - (p) Mistle thrush (*Turdus viscivorus*);
  - (q) Monk or Quaker parakeet (*Myiopsitta monachus*);
  - (r) Multimammate rat (Genus *Mastomys*);
  - (s) Mute swan (*Cygnus olor*);
  - (t) Nutria (*Myocastor coypus*);
  - (u) Prairie dog (*Cynomys* spp.);
  - (v) Raccoon dog (*Nyctereutes procyonoides*);
  - (w) San Juan rabbit (*Oryctolagus cuniculus*);
  - (x) Sky lark (*Alauda arvensis*);
  - (y) Song thrush (*Turdus philomelus*);
  - (z) Starling (Family *Sturnidae*) including pink starlings or rosy pastors (*Sturnus roseus*), except for Indian Hill mynahs (*Gracula religiosa*);
  - (aa) Suricate or slender-tailed meerkat (Genus *Suricata*);
  - (bb) Tongueless or African clawed frog (*Xenopus laevis*);
  - (cc) Weaver finch (Genus *Passer*), except *Passer domesticus*;
  - (dd) White eyes (Genus *Zosterops*);
  - (ee) Wild European rabbit (also called the San Juan Rabbit) not distinguishable morphologically from native wild rabbits;
  - (ff) Yellowhammer (*Emberiza citrinella*); or
  - (gg) A member of the following families:
    - 1. Suidae (pigs or hogs), except for domestic swine;
    - 2. Viverridae (civits, genets, lingsangs, mongooses and fossas); or
    - 3. Tayassuidae (peccaries and javelinas).
- (2) Except as specified in Section 5 of this administrative regulation, a person shall not im-

port or possess the following species of inherently dangerous wildlife:

- (a) Alligators or caimans (Family Alligatoridae);
- (b) African buffalo (*Syncerus caffer*);
- (c) Bears (Family Ursidae);
- (d) Cheetah (*Acinonyx jubatus*);
- (e) Clouded leopard (*Neofelis nebulosa*);
- (f) Crocodiles (Family Crocodylidae);
- (g) Elephants (Family Elephantidae);
- (h) Gavials (Family Gavialidae);
- (i) Gila monsters or beaded lizards (Family Helodermatidae);
- (j) Hippopotamus (*Hippopotamus amphibius*);
- (k) Honey badger or ratel (*Mellivora capensis*);
- (l) Hyenas (Family Hyaenidae), all species except aardwolves (*Proteles cristatus*);
- (m) Lions, jaguars, leopards or tigers (Genus *Panthera*);
- (n) Old world badger (*Meles meles*);
- (o) Primates, nonhuman (Order Primates);
- (p) Rhinoceroses (Family Rhinocerotidae);
- (q) Snow leopard (*Uncia uncia*);
- (r) Venomous exotic snakes of the families Viperidae, Atractaspididae, Elapidae, and Colubridae, except for hognose snakes (Genus *Heterodon*);
- (s) Wolverine (*Gulo gulo*); or
- (t) Hybrids of all species contained in this list.

Section 5. Exemptions. (1) A facility that is accredited by the American Zoo and Aquarium Association shall:

- (a) Not be required to obtain a transportation permit for exotic wildlife; and
- (b) Be allowed to import, transport, and possess the prohibited exotic species listed in Section 4(1) and (2) of this administrative regulation.

(2) Upon written request, the department shall consider an exemption for the importation of prohibited exotic species for the following entities:

- (a) A facility that is designated as the official zoo of a municipality;
- (b) A government agency;
- (c) A college or university;
- (d) A licensed or accredited institution of:

1. Research; or

2. Education;

(e) A lawfully operated circus; or

(f) An exhibitor sponsored or contracted by a lawfully operated state or county fair.

(3) Wildlife possessed or imported into Kentucky per subsection (2) or (4) of this section shall be maintained within an enclosure sufficient to prevent:

(a) Escape; and

(b) Direct contact with the public, except local governments may allow direct contact between the public and Asian elephants (*Elephas maximus*) if:

1. An established local ordinance exists that allows the contact; and

2. That ordinance provides regulatory standards in the areas of:

a. The safety record of the animal or animals;

b. Proper public safeguards;

c. Experience of the handlers;

d. Protective barriers; and

e. Third party liability insurance coverage from death or injury in an amount equal to or greater than \$3,000,000.

(4) A person may apply for a transportation permit to temporarily transport into and through the state to a destination outside of Kentucky a prohibited animal listed in Section 4(2) of this administrative regulation and shall not:

- (a) Remain in the state in excess of forty-eight (48) hours;
- (b) Stop in Kentucky for exhibition purposes; or
- (c) Sell, trade, barter, or offer for sale, trade, or barter a prohibited animal while in Kentucky.

(5) A person who legally possessed wildlife listed in Section 4(2) of this administrative regulation prior to July 13, 2005, may continue to possess the animal and shall maintain:

- (a) Veterinary records;
- (b) Acquisition papers for the animal; or
- (c) Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.

(6) A person who legally possesses wildlife pursuant to subsection (5) of this section shall not, without an exemption pursuant to subsections (2) and (3) of this section:

- (a) Replace the wildlife; or
- (b) Allow the wildlife to reproduce.

(7) If exotic wildlife listed in Section 4(1) and (2) of this administrative regulation escapes, the owner shall immediately contact local emergency services and the department at 800-252-5378 to report the escape or release.

Section 6. Permit-exempt Animals. The following exotic animals shall not require permits from the department for importation, transportation, or possession:

- (1) Alpaca (*Vicugna pacos*);
- (2) American bison (*Bison bison*);
- (3) Breeds and varieties of goats derived from the wild goat or bezoar (*Capra hircus*);
- (4) Camel (*Camelus bactrianus* and *Camelus dromedarius*);
- (5) Chinchilla (*Chinchilla laniger*);
- (6) Cockatoo (family *Cacatuidae*);
- (7) Domesticated races of ducks and geese (family *Anatidae*) morphologically distinguishable from wild ducks or geese;
- (8) Domesticated races of the European rabbit (*Oryctolagus cuniculus*) morphologically distinguishable from wild rabbits;
- (9) Domesticated races of mink (*Mustela vison*), if:
  - (a) Adults are heavier than 1.15 kilograms; or
  - (b) The fur color can be distinguished from wild mink;
- (10) Domesticated races of rats (*Rattus norvegicus* or *Rattus rattus*) or mice (*Mus musculus*);
- (11) Domesticated races of turkeys (*Meleagris gallopavo*) recognized by the American Poultry Association and the U.S. Department of Agriculture, but shall not include captive held or bred wild turkeys;
- (12) Domestic yak (*Bos grunniens*);
- (13) Gerbil (*Meriones unguiculatus*);
- (14) Guinea fowl (*Numida meleagris*);
- (15) Guinea pig (*Cavia porcellus*);
- (16) Hamster (*Mesocricetus* spp.);
- (17) Indian Hill mynah (*Gracula religiosa*);
- (18) Llama (*Lama glama*);

- (19) Parrot, lovebird, cockatiel, budgerigar, parakeet (except monk parakeet (*M. monachus*), and macaw (family Psittacidae);
- (20) Peafowl (*Pavo cristatus*);
- (21) Pigeon (*Columba domestica* or *Columba livia*) or domesticated races of pigeons;
- (22) Ratite, as defined by KRS 247.870; and
- (23) Toucan (family Rhamphastidae).

Section 7. Inspections and Permit Revocation. (1) A person holding exotic wildlife shall allow a conservation officer to inspect the holding facilities at any reasonable time.

(2) Captive wildlife may be confiscated and the permit revoked if the permit holder violates any provision of this administrative regulation.

Section 8. Release. With the exception of pheasants and chukars, a person shall not release exotic wildlife into the wild. (24 Ky.R. 427; Am. 869; eff. 10-8-97; 29 Ky.R. 1016; 1530; eff. 12-18-2002; 30 Ky.R. 404; eff. 10-31-03; 31 Ky.R. 1536; 1982; 32 Ky.R. 53, eff. 7-13-05; 33 Ky.R. 2365; eff. 5-4-07; 35 Ky.R. 340; 790; eff. 10-8-08; 38 Ky.R. 1038; 1339; 1400; 1532; eff. 2-2-2012; 38 Ky.R. 1893; 39 Ky.R. 18; eff. 7-12-2012.)